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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,390	01/19/2001	W. Scott Callaway	PRICE1240-2	7391

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EXAMINER

COURTENAY III, ST JOHN

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 04/01/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/766,390

Applicant(s)

CALLAWAY ET AL.

Examiner

St. John Courtenay III

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


ST. JOHN COURTENAY III
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Detailed Action

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by (no author given) "Advanced Khoros Home Manuals"

http://www.ee.byu.edu/support/khoros2.2/topmost_toc.html, 1997, pages 1-11. {Note: this reference was cited as an 'X' reference for claims 1-20 by the EPO Examiner in the International Search Report and listed on the PTO-1449 IDS, paper #4}

As per independent claims 1 and 11:

Khoros teaches a system for assembling an application for processing image or image-derived data, comprising:

- a base operator configured to interface with one or more derivative operator classes, each operator class including an operator object for executing a processing function on the image or image-derived data [e.g., see "Data services store data inside of an abstract data object. Data services presents the data inside of this data object to the operators in the form of a data model" and associated discussion page 3]; and

- a base multiport node class configured to provide a multiport node for each operator object, the multiport nodes instantiating a pluggable operator for connecting the multiport nodes together at runtime according to user-defined parameters, and wherein the connection of multiport nodes implements the processing functions of the operator objects to execute the application [e.g., see "Polymorphic Data Model" (i.e., base multiport node class) and associated discussion page 4; see Behavior of Polymorphic Operators (i.e., operator objects), page 7 and associated discussion].

As per dependent claims 2 & 18:

Khoros teaches each multiport node includes N inputs and M outputs, each input and output having a connection with at least one other multiport node [e.g., see "Multiple Inputs" and "the data type of the output object will be the higher of the input data types, and the output size will be the maximum of the input dimensions" and associated discussion page 7].

As per dependent claims 3 & 12:

Khoros teaches the pluggable operator includes a pointer to an operator object [e.g., see "value indices into Map" shown in the fig. at the bottom of page 7 and associated discussion page 7; see "the value data can be used as an index into the map data" under Fig. 13 discussion, page 4].

As per dependent claim 4:

Khoros inherently teaches the pluggable operator is a class derived from the multiport node [see "Multiple Inputs" discussion, page 7, top half of page].

As per dependent claim 5:

Khoros teaches the pluggable operator is configured to call the operator object [inherent].

As per dependent claim 6:

Khoros inherently teaches the pointer is based on user defined parameters [inherent, as "To create a Contata visual program, the user selects the desired programs (and control structures, as needed), places the corresponding glyphs (i.e., icons) on the Cantata workspace, and connects these glyphs to indicate the flow of data from program to program", page 1, 2nd paragraph].

As per dependent claims 7 & 14:

Khoros teaches the user-defined parameters are dynamically definable at run time of the application [see the rejection of claim 6 above regarding user interaction].

As per dependent claims 8 & 15:

Khoros teaches the pluggable operator is configured to adapt the pointer array to changes in the user-defined parameters [see "Multiple Inputs" discussion, page 7, top half of page; see the rejection of claim 6 above regarding user interaction].

As per dependent claim 9:

Khoros teaches multiport node is configured to adapt to changes in the pointer array [see "Multiple Inputs" discussion, page 7, top half of page].

As per dependent claim 10:

Khoros inherently teaches the base operator interface is configured to enable more or less operator classes at runtime [e.g., see "Polymorphic Data Model" (i.e., base multiport node class) and associated discussion page 4; see Behavior of Polymorphic Operators (i.e., operator objects), page 7 and associated discussion].

As per dependent claim 13:

Khoros inherently teaches the pointer is configured according to a set of user-defined parameters specified by the base operator ["To create a Contata visual program, the user selects the desired programs (and control structures, as needed), places the corresponding glyphs (i.e., icons) on the Cantata workspace, and connects these glyphs to indicate the flow of data from program to program", page 1, 2nd paragraph].

As per dependent claim 16:

Khoros teaches reconfiguring the connections of the multiport nodes according to user defined parameters received at runtime of the application.

As per dependent claim 17:

Khoros teaches connecting the multiport nodes is based on the user-defined parameters [e.g., see "Multiple Inputs" and "the data type of the output object will be the higher of the input data types, and the output size will be the maximum of the input dimensions" and associated discussion page 7].

As per dependent claim 19:

Khoros teaches wherein each input and output of each multiport node is connected to at least one other multiport node [see the Polymorphic Data Model discussion and the five segments of value, location, time, & mask, page 3].

As per dependent claim 20:

Khoros teaches reconfiguring the application with at least one new operator object at runtime of the application [see operator discussion under Khoros Data Models, top of page 3].

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Re: **PETITION FILED UNDER 37 C.F.R. §1.48**

M.P.E.P 1002.02(e) authorizes the Primary Examiner to decide petitions filed under 37. C.F.R. § 1.48 for correction of inventorship information.

The petition filed under 37. C.F.R. § 1.48 (paper #5, received Dec. 31, 2002) has been considered and is GRANTED. The inventorship has been corrected and the file wrapper has been marked "**RULE 1.48.**"

Prior Art not relied upon:

Please refer to the references listed on the attached PTO-892 which are not relied upon in the claim rejections detailed above.

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How to Contact the Examiner:

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to **St. John Courtenay III** whose voice telephone number is **(703) 308-5217**. A voice mail service is also available at this number. Normal Flex work schedule: M – F 7:30 AM - 4:00 PM

- **All responses sent by U.S. Mail should be mailed to:**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Patent Customers advised to FAX communications to the USPTO

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/faxnotice.pdf>

Effective Oct. 15, 2003, ALL patent application correspondence transmitted by FAX must be directed to the new PTO central FAX number:

**NEW PTO CENTRAL FAX NUMBER:
703-872-9306**

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- Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: (703) 305-3900.**

Please direct inquiries regarding fees, paper matching, and other issues not involving the Examiner to:

Technical Center 2100 CUSTOMER SERVICE: 703 306-5631

The Manual of Patent Examining Procedure (MPEP) is available online at:
<http://www.uspto.gov/web/offices/pac/mpep/index.html>


ST. JOHN COURTENAY III
PRIMARY EXAMINER